

Remarks

The claims have been amended to take account of the multiplicity of formality and indefiniteness objections raised by the Examiner in a manner that applicant believes fully addresses all such objections. Further, the claims have been amended in a manner that applicant believes fully addresses Examiner's substantive objections.

Referring firstly to claim 1 as amended, it should be noted that Casey (US6493349) does not disclose a multi-service network as would be understood by one skilled in the art from the content of the present application as filed. The present invention provides a communications network in which, in a core part of the network, IP services are delivered using a frame based protocol such as MPLS whereas legacy services are accommodated through emulated ATM services over said same core network part as is illustrated by figure 9 of the present application.

In contrast, Casey discloses a fragmented VPN in which the VPN is separated into areas, each VPN area being implemented by a single IP VPN technology dependent on what technology the network provider (operator) for that VPN area can deliver. For example, in one of the VPN areas, the provider for that area might operate a MPLS based IP VPN whereas in another VPN area the provider for that area might operate an IP over Local Area Network Emulation (LANE) IP VPN. However, in no VPN area is it suggested that the provider operates more than one IP VPN technology nor would there be any reason to do so. Consequently, Casey cannot be said to be a multi-service network as would be understood by one skilled in the art in the context of the present application.

Casey is silent on the issue of whether the tunnels are quality of service capable tunnels.

Casey does not teach the feature of handling legacy services traffic differently to IP services traffic on the same (core) network.

A VPN area as taught by Casey cannot be considered equivalent or even suggestive of a virtual switch comprising managed switching resources from a number of network nodes as defined in amended claims 1.

In view of the foregoing, the rejection of claim 1 in view of Casey is overcome. It follows that the rejection of claim 10 in view of Casey also cannot be sustained in view of the amendment of claim 10 to be consistent with claim 1 as amended.

Referring now to amended claim 2, the discussion above with respect to the term "multi-service" is pertinent and is sufficient in itself to overcome the rejection of this claim and independent claim 11 as amended.

Notwithstanding the latter point, there is no concept of abstract nodes in Casey. An abstract node is a logical grouping of nodes where each such node shares the same IP address prefix and thus, from a network management point of view, can be considered as a single logical node. It is to be expected that such nodes will be adjacent each other within the network. A VPN has no such limitation and employs path identifiers and channel identifiers as a means of identifying nodes comprising the VPN.

In the case of Casey, it is not possible to establish an end to end label switched path unless all VPN areas operate a label switched technology. Since the purpose of Casey is to fragment a VPN into a plurality of logically contiguous VPN areas based on different IP VPN technologies, it follows that forming end to end label switched paths goes against the teaching of Casey.

In view of the foregoing, the rejection of claim 2 over Casey is overcome. It follows that the rejection of claim 11 over Casey also cannot be sustained in view of the amendment of claim 11 to be consistent with claim 2 as amended.

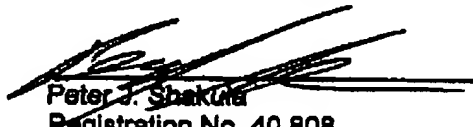
The Examiner's rejection of independent claims 18 and 21 are also addressed by the foregoing and all other claims rejections are consequently moot in view thereof.

It should also be noted that Casey is not citable under 35 USC 103(a) in view of common ownership at the time of invention. See 35 USC 103(c).

In summary, applicant believes that the present invention is patentably distinct over the prior art cited by the Examiner and looks forward to receiving a Notice of Allowance in due course.

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Respectfully submitted,



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